



C.M.A(MD)No.973 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.973 of 2023

Divya

... Appellant

Vs.

Tamil Nadu State Transport Corporation
Limited,
through its Managing Director,
Thiruvandhapuram Road,
Bypass, Vannarapettai,
Tirunelveli-627 003.

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 (1) of the Motor Vehicles Act 1988, against the judgment, dated 09.08.2023, passed by the Motor Accident Claims Tribunal/Special Sub-Court dealing with MCOP cases, Tirunelveli, in M.C.O.P.No.962 of 2021.

For Appellant : Mr.T.Lenin Kumar
For Respondent : Mr.S.Micheal Heldon Kumar



JUDGEMENT

The claimant has filed this appeal for enhancement of the award amount.

2. The contention of the claimant is that the Tribunal has not granted any compensation for the medical bill submitted by the claimant. However, the learned Standing Counsel appearing for the respondent vehemently objected and submitted that the claimant did not submit any individual medical bill but has submitted only a summary statement of the expenses incurred in the hospital. The learned Standing Counsel appearing for the respondent further submitted that individual bill should to be submitted for each and every expenses. Even the Doctor has deposed before the Tribunal that he is not conversant of the bill that was raised by the hospital as well as the medical store which is attached to the hospital hence, the claimant has failed to prove the same.

3. After hearing the arguments, this Court is of the considered opinion that the claimant ought to prove the bill. Therefore, the case is remitted back to the Tribunal and the Tribunal shall consider the medical bills, transport charges and attendance charges alone. Based on the evidences, the Tribunal shall pass appropriate orders and the Tribunal shall complete the proceedings within a period of three months from the date of receipt of a copy of this judgment. The registry shall return the original records to the Tribunal for consideration.



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4. With the above said observation, the Civil Miscellaneous Appeal is allowed as stated supra. No costs.

14.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Tmg

Note: Issue order copy on 15.02.2024.

To

- 1.Motor Accident Claims Tribunal/
Special Sub-Court,
Tirunelveli,
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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